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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

☐ Declaration Submitted With Initial Filing **OR** ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	31184
First Named Inventor	Lutgen, Joseph L.
COMPLETE IF KNOWN	
Application Number	10/672,602
Filing Date	September 26, 2003
Art Unit	3751
Examiner Name	To be assigned

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

NORMALLY HANDHELD INSTRUMENTS ALLOWING NORMAL FINGERTIP ACTIVITY

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) **09/26/2003** as United States Application Number or PCT International

Application Number **10/672,602** and was amended on (MM/DD/YYYY) **N/A** (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.



I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

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DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input type="checkbox"/> Customer Number: OR <input checked="" type="checkbox"/> Correspondence address below			
Name William P. Oberhardt, LLC			
Address 2100 Three First National Plaza			
City Chicago		State Illinois	ZIP 60602-4253
Country United States of America	Telephone (312) 251-1100	Fax (312) 251-1175	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Joseph L.		Family Name or Surname Lutgen	
Inventor's Signature 		Date 3/1/04	
Residence: City Centennial	State Colorado	Country U.S.A.	Citizenship U.S.A.
Mailing Address 6770 Kit Carson Circle East			
City Centennial	State Colorado	ZIP 80122	Country U.S.A.
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Ralph E.		Family Name or Surname Lagergren	
Inventor's Signature 		Date March-5-04	
Residence: City Alma	State Kansas	Country U.S.A.	Citizenship U.S.A.
Mailing Address 20665 K-99			
City Alma	State Kansas	ZIP 66401	Country U.S.A.
<input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			

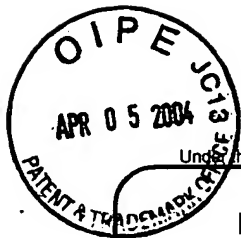
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DECLARATION**ADDITIONAL INVENTOR(S)**
Supplemental SheetPage 3 of 3

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
John E.		O'Mara	
Inventor's Signature <i>John E O'Mara</i>		Date <i>3/10/04</i>	
Residence: City Wichita	Kansas State	U.S.A. Country	U.S.A. Citizenship
Mailing Address 768 Custer			
Mailing Address			
City Wichita	Kansas State	67202 Zip	U.S.A. Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Eric S.		Zeitlin	
Inventor's Signature <i>Eric S Zeitlin</i>		Date <i>3/15/04</i>	
Residence: City Baldwin	New York State	U.S.A. Country	U.S.A. Citizenship
Mailing Address 3059 Grand Avenue			
Mailing Address			
City Baldwin	New York State	11510 Zip	U.S.A. Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Jason R.		Richards	
Inventor's Signature <i>Jason R Richards</i>		Date <i>3/17/04</i>	
Residence: City West Bend	Wisconsin State	U.S.A. Country	U.S.A. Citizenship
Mailing Address 723 S. Main St. Apt 108			
Mailing Address			
City West Bend	Wisconsin State	53095 Zip	U.S.A. Country

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



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**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

Application Number	10/672,602
Filing Date	09/26/2003
First Named Inventor	Lutgen, Joseph L.
Title	Normally Handheld etc.
Art Unit	3751
Examiner Name	To Be Assigned
Attorney Docket Number	31184

I hereby appoint:

☐ Practitioners associated with the Customer Number:

OR

☒ Practitioner(s) named below:

Name	Registration Number
William P. Oberhardt	31,861
Steven R. Trybus	32,760

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	William P. Oberhardt, LLC				
Address	2100 Three First National Plaza				
Address					
City	Chicago	State	Illinois	Zip	60602
Country	United States of America				
Telephone	(312) 251-1100	Fax	(312) 251-1175		

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

Name	CoolPen, L.L.C., by James T. Wilson, its Chief Executive Officer		
Signature			
Date	1 MARCH 24, 2004	Telephone	(630) 416-2027

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: CoolPen, L.L.C., a Texas limited liability companyApplication No./Patent No.: 10/672,602 Filed/Issue Date: September 26, 2003Entitled: NORMALLY HANDHELD INSTRUMENTS ALLOWING NORMAL FINGERTIP ACTIVITYCoolPen, L.L.C., a Texas limited liability company

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or2. ☐ an assignee of less than the entire right, title and interest.The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:A. [☒] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel N/A, Frame N/A, or for which a copy thereof is attached.**OR**B. [☐] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.[☐] Additional documents in the chain of title are listed on a supplemental sheet.[☒] Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

MARCH 24, 2004

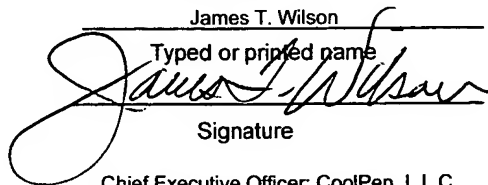
Date

(630) 416-2027

Telephone number

James T. Wilson

Typed or printed name



Signature

Chief Executive Officer, CoolPen, L.L.C.

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ASSIGNMENT OF APPLICATION

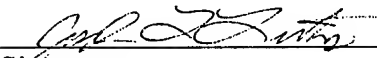
Docket Number: 31184

WHEREAS, we, Joseph L. Lutgen of Centennial, Colorado; Ralph E. Lagergren of Alma, Kansas; John E. O'Mara of Wichita, Kansas; Eric S. Zeitlin of Baldwin, New York; and Jason R. Richards of West Bend, Wisconsin hereafter referred to as applicants, have invented certain new and useful improvements in Normally Handheld Instruments Allowing Normal Fingertip Activity; and

WHEREAS, CoolPen, L.L.C. of Dallas, Texas, hereafter referred to "assignee," whose mailing address is 3311 Oak Lawn Avenue, Suite 250, Dallas, Texas 75219, is desirous of acquiring the entire right, title and interest in the same;

NOW, THEREFORE, in consideration of the sum of ten dollars (\$10.00), the receipt whereof is acknowledged, and other good and valuable consideration, we, the applicants, by these presents, do sell, assign, and transfer unto said assignee the full and exclusive right to the said invention in the United States, and the entire right, title, and interest in and to any and all Patents which may be granted therefore in the United States. We hereby authorize and request the Director of the United States Patent and Trademark Office to issue said United States Patents to said assignee of the entire right, title, and interest in and to the same, for its sole use and benefit, and for the use and benefit of its legal representatives to the full end of the term for which said Patents may be granted, as fully and entirely as the same would have been held by us had this assignment and sale not been made.

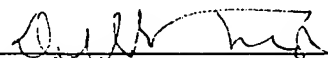
Executed this 23 day of FEBRUARY, 2004



Signature
Joseph L. Lutgen

State of Colorado)
)
County of Adams)

Before me personally appeared said Joseph L. Lutgen
and acknowledged the foregoing instrument to be his free act and deed this 23 day of
Feb, 2004.

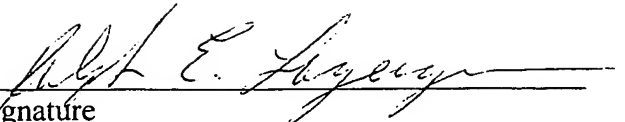


Notary Public

ASSIGNMENT OF APPLICATION (Continued)

Docket Number: 31184

Executed this 10 day of March, 2004


Signature
Ralph E. Lagergren

State of KS)
County of WB)

Before me personally appeared said Ralph E. Lagergren
and acknowledged the foregoing instrument to be his free act and deed this 10th day of
March, 2004.


Notary Public

Total of 1 form submitted - -Page 2 of 5

Diana K. Rubottom
Notary Public -- State of Kansas
My Appt Exp 2-18-2007

ASSIGNMENT OF APPLICATION (Continued)

Docket Number: 31184

Executed this ¹²~~63~~ day of ⁰³~~12~~, 2004

John E. O'Mara

Signature

Joseph E. O'Mara

John
JEC

State of Kansas)

County of Seadgwick)

Before me personally appeared said ^{John JEC}~~Joseph~~ E. O'Mara
and acknowledged the foregoing instrument to be his free act and deed this ¹²~~6~~ day of
March, 2004.

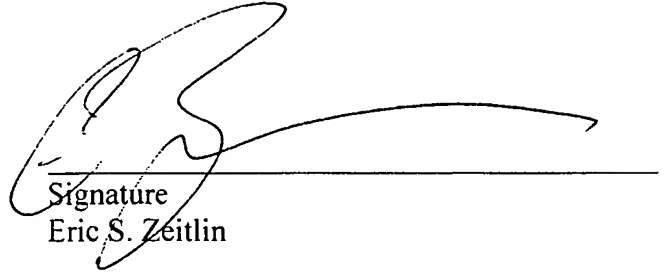


E. McCarthy
Notary Public

ASSIGNMENT OF APPLICATION (Continued)

Docket Number: 31184

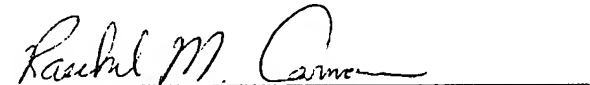
Executed this 15 day of March, 2004



Signature
Eric S. Zeitlin

State of Colorado)
)
County of Boulder)

Before me personally appeared said Eric S. Zeitlin
and acknowledged the foregoing instrument to be his free act and deed this 15 day of
March, 2004.

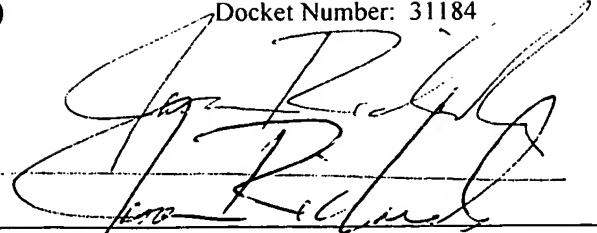


Notary Public

ASSIGNMENT OF APPLICATION (Continued)

Docket Number: 31184

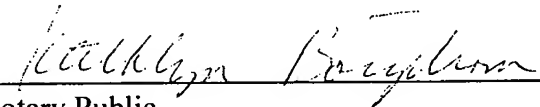
Executed this 17th day of March, 2004


Signature
Jason R. Richards

State of WI)
)
County of Washington)

Before me personally appeared said Jason R. Richards
and acknowledged the foregoing instrument to be his free act and deed this 18th day of
March, 2004.




Notary Public